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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 BEAU A. SMITH,) CASE NO. C08-0823-JCC-MAT
09)
Petitioner,)
10)
v.) ORDER GRANTING
11) MOTION TO STAY
JEFFREY A. UTTECHT,)
12)
Respondent.)
_____)
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14 Respondent seeks to stay this federal habeas corpus proceeding pending the complete
15 adjudication of petitioner's state court case under Washington Court of Appeals Cause Number
16 61552-1-I.¹ (Dkt. 28.) Petitioner does not dispute the existence of this pending state court
17 matter, but objects generally to the stay, as well to respondent's request for a forty-five day
18 period to respond to petitioner's habeas petition following dissolution of the requested stay.
19 (Dkt. 30.) Now, having reviewed the requested stay and plaintiff's objections, the Court finds
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21 ¹ Respondent notes the existence of an additional pending state court matter in
22 Washington Court of Appeals Cause No. 62588-8-I. However, it is not clear whether
respondent requests a stay in relation to that matter or whether such a request would be
appropriate based on the content of the claims in that matter. Accordingly, the Court addresses
herein solely Cause No. 61552-1-I.

as follows:

(1) Respondent appropriately requests a stay given the existence of an ongoing related state court matter. Accordingly, respondent's motion to stay is GRANTED. Petitioner shall notify the Court, and provide supporting documentation, following the complete adjudication of his case under Cause No. 61552-1-I. The Court will thereafter lift the stay in this proceeding. The Court further finds reasonable respondent's request for forty-five days to respond to petitioner's habeas petition following dissolution of the stay.

(2) The Clerk is directed to send a copy of this Order to the parties and to the Hon. John C. Coughenour.

DATED this 13th day of April, 2009.

s/ Mary Alice Theiler
United States Magistrate Judge